

E-Filing

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

APRIL SCHNEIDER, MATT FARLEY and
DENICE BASQUES

Plaintiffs,

v.

CITY OF PACIFICA, a municipality, TED W.
MERRITT, individually and in his capacity as
a police officer for the CITY OF PACIFICA,
WILLIAM GLASGO, individually and in his
capacity as a police officer for the CITY OF
PACIFICA, DAVE BERTINI, individually
and in his capacity as a police officer for the
CITY OF PACIFICA, and DOES 1 to 25,
inclusive

Defendants.

No. C04-1381 MHP

MEMORANDUM AND ORDER

Re: Defendants' Request for Clarification
on Motion For Partial Summary Judgment

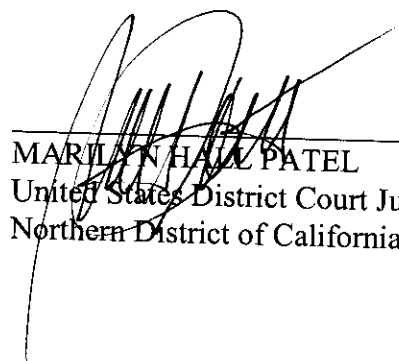
Defendants have requested clarification of this court's Memorandum and Order of May 17, 2005 regarding defendants' motion for partial summary judgment. The order granted summary judgment with respect to plaintiffs' first, second, and third causes of action, and denied summary judgment with respect to plaintiffs' fourth, fifth, and sixth causes of action. Defendants request clarification of this court's intention with regards to moved for partial summary judgment on plaintiffs' seventh and ninth causes of action. Defendants have correctly interpreted the meaning of this court's order, which reasoned and held that "[e]ach of plaintiffs' section 1983 and section 52.1

1 claims therefore fails as a matter of law," but failed to include plaintiffs' seventh cause of action on
2 the list of causes of action for which summary judgment was granted. Similarly, defendants were
3 entitled to summary judgment on plaintiffs' ninth cause of action pursuant to Monell v. New York
4 City Dep't of Social Svcs., 436 U.S. 658 (1978) due to the entry of summary judgment against
5 plaintiff on each of their claims under 42 U.S.C. section 1983. See City of Los Angeles v. Heller,
6 475 U.S. 796, 799 (1986).

7 This court's order of May 17, 2005 is hereby corrected to GRANT defendants' motion for
8 partial summary judgment as to plaintiffs' seventh and ninth causes of action. All other holdings in
9 the order remain unchanged.

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11 IT IS SO ORDERED.

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13 Dated: *June 6, 2005*

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16 MARILYN HALL PATEL
17 United States District Court Judge
18 Northern District of California
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